

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSEPH NEALE, JR.,

Plaintiff,

v.

SHERMAN, *et al.*,

Defendants.

Case No. 1:20-cv-01079-AWI-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
DENIAL OF PLAINTIFF'S MOTION TO
PROCEED *IN FORMA PAUPERIS*

(ECF Nos. 2, 6)

TWENTY-ONE (21) DAY DEADLINE

Plaintiff Joseph Neale, Jr. ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on August 4, 2020, together with a motion to proceed *in forma pauperis*. (ECF Nos. 1, 2.)

On August 6, 2020, the assigned Magistrate Judge issued findings and recommendations that Plaintiff's application to proceed *in forma pauperis* be denied and that Plaintiff be required to pay the \$400.00 filing fee in full to proceed with this action. (ECF No. 6.) Those Findings and Recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 3.) No objections have been filed, and the deadline to do so has expired.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the Magistrate Judge's findings and recommendations are supported by the record and proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations issued on August 6, 2020, (ECF No. 6), are adopted in full;
2. In accordance with 28 U.S.C. § 1915(g), Plaintiff's application to proceed *in forma pauperis* (ECF No. 2) is denied; and
3. Within **twenty-one (21) days** following the date of service of this order, Plaintiff shall pay the \$400.00 filing fee in full to proceed with this action. If Plaintiff fails to pay the filing fee within the specified time, this action will be dismissed without further notice.

IT IS SO ORDERED.

Dated: September 9, 2020



SENIOR DISTRICT JUDGE